

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Browning, *et al.*

Serial No.: 09/931,402

Filed: August 16, 2001

For: *ANTI-LYMPHOTOXIN-BETA RECEPTOR
ANTIBODIES AS ANTI-TUMOR AGENTS*

Attorney Docket No.: BINB185CPUSDV

Group Art Unit: 1642

Examiner: C.H. Yaen

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: May 3, 2004

Mailing Label Number: EL 982738090 US

I hereby certify that this 37 CFR 1.53(d) request and the documents referred to therein as enclosed are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Cristin E. Howley

Name of Person Mailing Paper

Signature of Person Mailing Paper

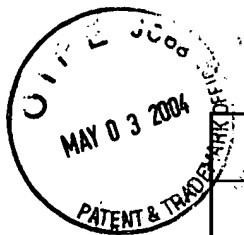
AMENDMENT AND RESPONSE

Dear Sir:

This Amendment and Response is responsive to the non-final Office Action dated January 2, 2004. A request for the appropriate extension of time in which to respond is being filed concurrently herewith. Amendments to the claims are reflected in the listing of claims which begins on page 2 of this Amendment and Response. Remarks/Arguments begin on page 10 of this paper. Please amend the above-referenced application as follows:

05/06/2004 YPOLITE1 00000054 120080 09931402

02 FC:1202 36.00 DA

**AMENDMENT TRANSMITTAL LETTER**Docket No.
BINB185CPUSDVApplication No.
09/931402-Conf. #3893Filing Date
August 16, 2001Examiner
YAEN, Christopher H.Art Unit
1642Applicant(s): Jeffrey L. BROWNING *et al.*

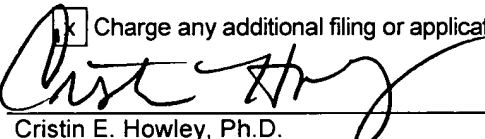
Invention: ANTI-LYMPHOTOXIN-BETA RECEPTOR ANTIBODIES AS ANTI-TUMOR AGENTS

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED | | | | | |
|--|----------------------------------|--------------------------------|-----------------------------|---------|---------------|
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate | |
| Total Claims | 147 | - 145 = | 2 | x 18.00 | 36.00 |
| Independent Claims | 3 | - 9 = | | x | 0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | |
| Other fee (please specify): Extension for response within first month | | | | | 110.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | | 146.00 |

☒ Large Entity☐ Small Entity☐ No additional fee is required for this amendment.☒ Please charge Deposit Account No. 12-0080 in the amount of \$ 146.00.
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-0080 as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.
Cristin E. Howley, Ph.D.
Agent Reg. No.: 55,281Dated: May 3, 2004LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 982738090 US, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 3, 2004

Signature:  (Cristin E. Howley, Ph.D.)